

**m DEPARTMENT OF
LABOR AND INDUSTRY**

December 4, 2019

Julie Gay
MuckRock News
DEPT MR 81854
411A Highland Ave
Somerville, MA 02144-2516

RE: Data Practices Request
Certification of Copies and Denial of Access

Dear Julie:

Enclosed are copies of the documents that you requested. Certain data was redacted in accordance with the applicable statutes. Items checked reflect the statutes that applied to this file. The following documents and data were withheld from the public file:209567155

Check	Document	Statutes Prohibiting Release
	Information that identifies an injured employee	§ 182.663, subd. 4
	Information that identifies witnesses and persons who supplied information to the Department	§ 175.27, 182.659, subd. 8
	Data from the OSHA 300 log that identifies injured employees	§ 29 C.F.R. 1904.29
	Data from employee exposure records that identifies exposed employees	§ 29 C.F.R. 1910.1020
	Medical data	§ 13.384, 144.293, 144.651, 182.663, subd. 4 and federal regulations
	Prehospital Care Data	§ 144E.123
	Police/Sheriff's Report	§ 13.82
	Fire Marshal's Report	§ 299F.28
	Coroner's Report	§ 13.83 and 182.663, subd. 4
	Attorney/Client Privilege/Work Product	§ 13.393
	Tax Return Information Data	§ 270B.02
	Personnel Data	§ 13.43
	Security/Trade Secret Data	§ 13.37 and 182.668
	Data related to a workers' compensation claim	§ 176.138 and 176.231, subd. 9
X	Whistleblower Data	§ 181.932, subd. 2
	Informant's privilege	§ 595.02(e)
	Social Security Number	§ 13.355
	Attorney General Data	§ 13.65
	Elected and Appointed Officials Data	§ 13.601
	Unemployment Insurance Data	§ 268.19
	Copyrighted Data (may inspect but not copy without permission)	§ 17 U.S.C. 106
	Data made private by FOIA	§ 5 U.S.C. 552(b)(1)-(9)
	Data related to state hospital patients	§13.461, subd. 8 and 246.13

If you have any questions, feel free to call me at 651-284-5053. Also, please remember to take our online surveys at www.dli.mn.gov/osha/surveyfeedback.asp and provide us with valuable feedback.

Sincerely, 
Tonya Jones, Administrative Assistant
Occupational Safety and Health Division
Enclosure

February 5, 2018

[REDACTED]
[REDACTED]
[REDACTED]

RE: OSHA Complaint: 209567155

Dear [REDACTED]:

We sent a letter to Kraus Anderson Construction Company about the safety and health hazards you reported to us. We requested a response within seven (7) days.

A copy of the letter we sent the company is enclosed. After the 7 days, the company's response should be posted at work. If you would like to receive a copy of their response, please send a request to our MNOSHA Redacting Clerk at the address above and a copy will be sent to you.

We never reveal the name of anyone filing a complaint to the company. You are protected under the Minnesota Occupational Safety and Health Act against discrimination. If you think you are being treated differently or something adverse happens to you because of your safety or health activity, contact us. You have 30 days from the time the adverse action against you happens to file a discrimination complaint with our office.

Your continued interest in workplace safety and health is appreciated.

Respectfully,

Sue Healy, Administrative Assistant
Occupational Safety and Health Division

Enclosure

Floding, Lorinda (DLI)

From: VanderLeest, Jay <jay.vanderleest@krausanderson.com>
Sent: Monday, February 05, 2018 2:17 PM
To: Compliance, OSHA (DLI)
Cc: Haram, Randy; VanderBloomer, Mark; Bergren, Jim; Hart, Terry; Klitzke, Taylor; Leoni, Jake; VanderLeest, Jay
Subject: MNOSHA Complaint 209567155
Attachments: Oltman complaint.docx

Brenda Nickles,

Please see attached response regarding MNOSHA complaint 209567155. Please confirm with me that you have received this response.

Let me know if you need any further clarification or any other information.

Thank you,

Jay V.

Jay Vander Leest | Director of Safety
jay.vanderleest@krausanderson.com | direct 612.336.6456

KRAUS-ANDERSON CONSTRUCTION COMPANY
501 South Eighth Street, Minneapolis, MN 55404
Office 612.332.7281 | Cell 612.810.5602 krausanderson.com

Together, strengthening the communities we serve

IMPORTANT NOTICE: This message is intended for the use of the person(s) to whom it is addressed. It may contain information which is privileged and confidential within the meaning of applicable law. Accordingly dissemination, distribution, copying or other use of this message or any of this contents by any person other than the Intended Recipient may constitute a breach of civil or criminal law and is strictly prohibited. If you are not the Intended Recipient, please contact the sender as soon as possible. All information or opinions expressed in this message and/or any attachments are those of the author, and are not necessarily those of our organization. All reasonable precautions have been taken to ensure no viruses



KRAUS-ANDERSON®

Kraus-Anderson Construction Company
501 South Eighth Street, Minneapolis, MN 55404

We will post this letter and the complaint in our onsite office. I trust this response will satisfy your inquiry.

Please contact me if you need any additional information.

Sincerely,

Jay Vander Leest
Director of Safety



KRAUS-ANDERSON®

Kraus-Anderson Construction Company
501 South Eighth Street, Minneapolis, MN 55404

February 5, 2018

Brenda Nickels
Minnesota Department of Labor & Industry
443 Lafayette Road N.
St. Paul, MN 55155

RE: OSHA Complaint: 209567155

Brenda Nickles:

This letter is in response to a complaint KA received on February 5, 2018 regarding privies are not adequately heated at:

Oltman Middle School
6625 Goodview Ave S
Cottage Grove, MN 55106

First may I say that Kraus-Anderson Construction Company takes pride our safety performance not only for own employees but also for our subcontracting partners. We promote a safety culture for all onsite employers and feel as though we provide a safe place to work and an environment of open communication to bring up any issues that may need to be addressed.

Upon being notified that our privies were not adequately heated, our KA Superintendent had found 2 of the 8 heaters in the 8 portable toilets we have on site were not working. It appears they were damaged as a result of possible vandalism over the weekend perhaps by kicking them. Both heaters have been replaced the morning of February 5th by the rental company providing the heaters. The following items will ensure a higher level of maintenance:

- Onsite Sanitation will continue to service the units twice a week (Mondays & Thursdays) and will evaluate that the units are functioning.
- KA personnel will verify units are in good working order at the beginning of each shift.
- Communication will be made to all employees working on site in an all hands meeting to discuss portable restrooms – AGAIN!
- Onsite employees need to communicate with KA when the units need attention not MNOSHA – we both don't need to take valuable time in responding to these complaints.



KRAUS-ANDERSON®

Kraus-Anderson Construction Company
501 South Eighth Street, Minneapolis, MN 55404

We will post this letter and the complaint in our onsite office. I trust this response will satisfy your inquiry.

Please contact me if you need any additional information.

Sincerely,

Jay Vander Leest
Director of Safety

Floding, Lorinda (DLI)

From: VanderLeest, Jay <jay.vanderleest@krausanderson.com>
Sent: Monday, February 05, 2018 2:17 PM
To: Compliance, OSHA (DLI)
Cc: Haram, Randy; VanderBloomer, Mark; Bergren, Jim; Hart, Terry; Klitzke, Taylor; Leoni, Jake; VanderLeest, Jay
Subject: MNOSHA Complaint 209567155
Attachments: Oltman complaint.docx

Brenda Nickles,

Please see attached response regarding MNOSHA complaint 209567155. Please confirm with me that you have received this response.

Let me know if you need any further clarification or any other information.

Thank you,

Jay V.

Jay Vander Leest | Director of Safety
jay.vanderleest@krausanderson.com | direct 612.336.6456
KRAUS-ANDERSON CONSTRUCTION COMPANY
501 South Eighth Street, Minneapolis, MN 55404
Office 612.332.7281 | Cell 612.810.5602 krausanderson.com

Together, strengthening the communities we serve

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are present in this E-mail. As our organization accepts no responsibility for loss or damage arising from the use of this E-mail or attachments, we recommend that you subject these to your virus checking procedures prior to opening. KA and Kraus-Anderson are registered trademarks

February 5, 2018

Jay Vanderleest, Safety
Kraus Anderson Construction Company
501 S 8th St
Minneapolis, MN 55404

RE: OSHA Complaint: 209567155

Dear Mr. Vanderleest:

On February 5, 2018, the Minnesota Occupational Safety and Health Division (MNOSHA) received a complaint of safety and/or health hazards at:

**6625 Goodview Ave S
Cottage Grove, MN 55016**

The alleged hazards are as follows:

Privies are not adequately heated.

We do not intend to conduct an onsite inspection at this time. However, we request that you:

1. Immediately investigate the alleged hazards listed above;
2. Make any necessary changes to correct the hazards, and;
3. Send a letter to MNOSHA explaining what you did or did not find as a result of your investigation and, if you found hazards, what you did to correct the hazards.

Send your written response by February 12, 2018 to Brenda Nickles by:

1. Email at osha.compliance@state.mn.us;
2. Mail at the address above; or
3. Facsimile at 651-284-5741.

Reference Complaint Number 209567155 and include information that will help us understand your response, such as, applicable measurements, monitoring results, work orders for planned corrections and photographs.

In addition, you are required to post a copy of this letter and your response where it will be readily accessible for review by all of your employees for 15 days. You must also provide a copy of this letter and your response to a representative of any recognized employee union or safety committee, if these are at your facility.

If we do not receive your response by February 12, 2018 or the information you provide does not adequately address the alleged hazards, MNOSHA will conduct an inspection of your worksite. If your response is satisfactory, you will not receive any additional correspondence from MNOSHA on this matter.

It is our goal to assure that workplace hazards are promptly identified and eliminated. We encourage employee participation in your investigation and response to the alleged hazards. **We wish to remind you that the Minnesota Occupational Safety and Health Act prohibits you from discriminating against your employees because you think they have made a complaint to MNOSHA.**

If you have any questions regarding this letter or your response to the alleged hazards, please contact Brenda Nickles at 507-512-1020.

Sincerely,

Sue Healy, Administrative Assistant
Occupational Safety and Health Division

Floding, Lorinda (DLI)

From: VanderLeest, Jay <jay.vanderleest@krausanderson.com>
Sent: Monday, February 05, 2018 2:19 PM
To: Compliance, OSHA (DLI)
Cc: Haram, Randy; VanderBloomer, Mark; Bergren, Jim; Hart, Terry; Klitzke, Taylor; Leoni, Jake
Subject: RE: MNOSHA Complaint 209567155
Attachments: IMG_1613.jpg; IMG_1612.jpg

Photos of the two heaters in question.

From: VanderLeest, Jay
Sent: Monday, February 5, 2018 2:17 PM
To: 'osha.compliance@state.mn.us' <osha.compliance@state.mn.us>
Cc: Haram, Randy <randy.haram@krausanderson.com>; VanderBloomer, Mark <mark.vanderbloomer@krausanderson.com>; Bergren, Jim <jim.bergren@krausanderson.com>; Hart, Terry <terry.hart@krausanderson.com>; Klitzke, Taylor <taylor.klitzke@krausanderson.com>; Leoni, Jake <jake.leoni@krausanderson.com>; VanderLeest, Jay <jay.vanderleest@krausanderson.com>
Subject: MNOSHA Complaint 209567155

Brenda Nickles,

Please see attached response regarding MNOSHA complaint 209567155. Please confirm with me that you have received this response.

Let me know if you need any further clarification or any other information.

Thank you,

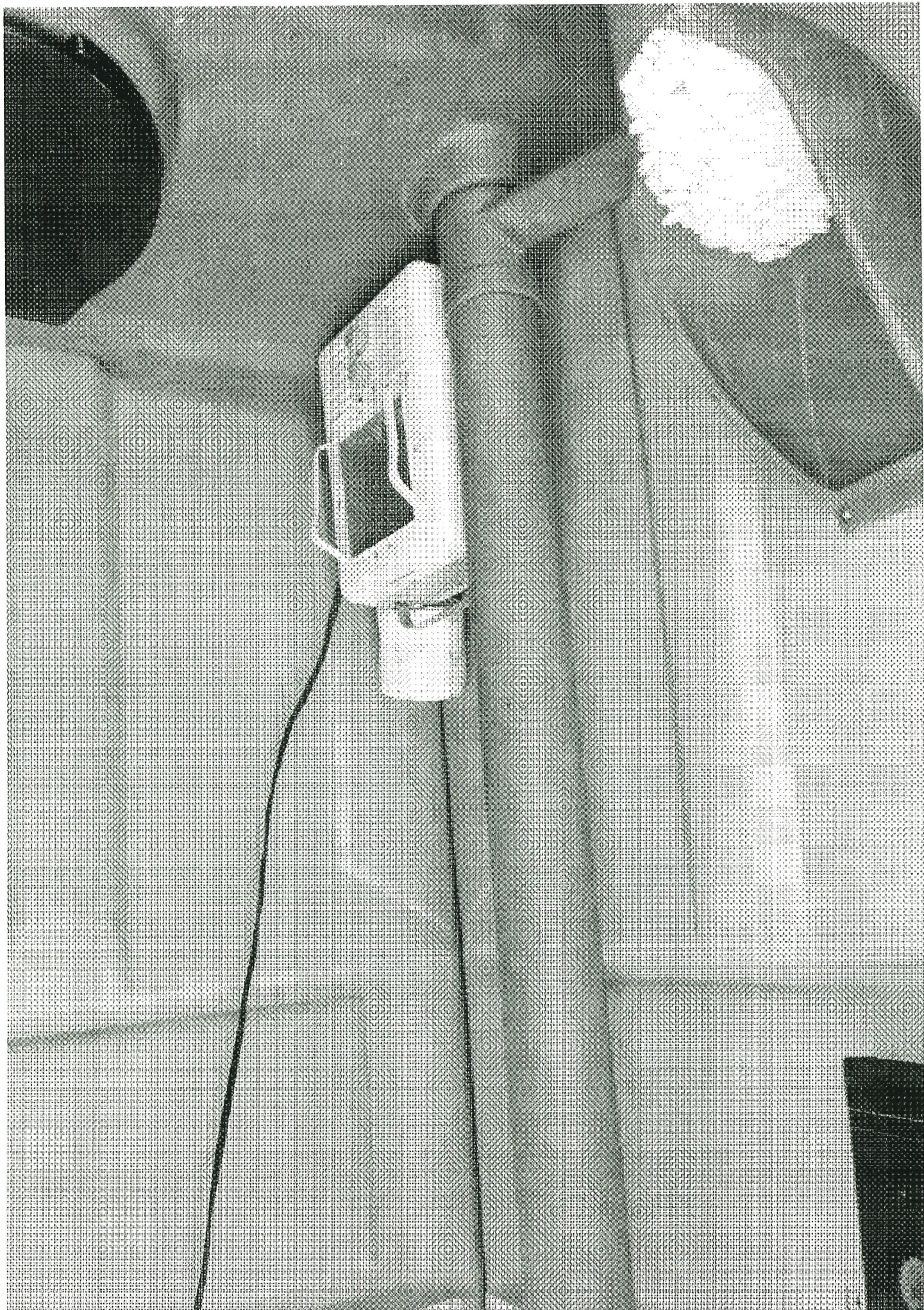
Jay V.

Jay Vander Leest | Director of Safety
jay.vanderleest@krausanderson.com | direct 612.336.6456

KRAUS-ANDERSON CONSTRUCTION COMPANY

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443 Lafayette Road N.
St. Paul, MN 55155

October 23, 2019

To Whom It May Concern:

20956-1174-C1

209567155-C1 ✓

OCT 23 2019

MINNESOTA OSH DIVISION

Pursuant to the Freedom of Information Act, I hereby request the following records:

All complaints filed about Kraus Anderson Construction since 2016.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Filed via MuckRock.com

E-mail (Preferred): 81854-72197914@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fmnosha-18856%252Fosha-complaints-for-kraus-anderson-construction-co-81854%252F%253Femail%253Droslyn.robertson%252540state.mn.us&url_auth_token=AABmUDUHdwsIdOgXqV6Q4KI6hgl%3A1iNIod%3A655vGpfkWfPXNHV2yh2XDRAz_5A

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81854

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Jones, Tonya (DLI)

From: Krueger, Jim (DLI)
Sent: Wednesday, October 23, 2019 1:06 PM
To: Jones, Tonya (DLI); Kuehl, Ev (DLI)
Subject: FW: Freedom of Information Act Request: OSHA complaints for Kraus Anderson Construction Co.

Thanks

James Krueger
Director | Occupational Safety and Health Division

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone: (651) 284-5462 | Web: www.dli.mn.gov



This email message and any attachments are confidential and may be privileged information. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, please notify the sender immediately by replying to this message and destroy all copies of this message and attachments.

From: Robertson, Roslyn (DLI) <Roslyn.Robertson@state.mn.us>
Sent: Wednesday, October 23, 2019 11:40 AM
To: Wagner, Carey (DLI) <carey.wagner@state.mn.us>; Krueger, Jim (DLI) <jim.krueger@state.mn.us>
Subject: Fwd: Freedom of Information Act Request: OSHA complaints for Kraus Anderson Construction Co.

Please process this request. Thank you

Roslyn Robertson

Sent from my iPhone

Begin forwarded message:

From: "81854-72197914@requests.muckrock.com" <81854-72197914@requests.muckrock.com>
Date: October 23, 2019 at 11:44:56 AM EDT
To: "Robertson, Roslyn (DLI)" <Roslyn.Robertson@state.mn.us>
Subject: Freedom of Information Act Request: OSHA complaints for Kraus Anderson Construction Co.

Minnesota Occupational Safety and Health Administration
FOIA Office

Inspection of Alleged Safety or Health Hazards

Minnesota Department of Labor and Industry Occupational Safety and Health Division			Complaint Number 209567155		Optional Number 8577
Employer Name Kraus Anderson Construction Company					Formal/NonFormal N
Site Location (Street, City, State, ZIP) 6625 Goodview Ave S Cottage Grove MN 55016					
Mailing Address (Street, City, State, ZIP) 501 S 8th St Minneapolis MN 55404					
Management Official Jay Vanderleest, Safety D				Telephone Number 612-336-6456	
Complaint Assigned To				SIC/NAICS 236220	
Safety			Health		
Imminent Danger	Serious	Other X	Imminent Danger	Serious	Other
Hazard Description: Privies are not adequately heated.					
Hazard Location:					